

HOUSE BILL No. 1289

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-3-5-12; IC 33-4-3-7; IC 33-5; IC 33-10.5-7-1; IC 33-11.6-4.

Synopsis: Small claims jurisdiction. Increases the maximum jurisdictional limit of small claims courts and dockets to \$15,000.

Effective: July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1289

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-3-5-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) The tax court
3 shall establish a small claims docket for processing:

4 (1) claims for refunds from the department of state revenue that
5 do not exceed ~~five~~ **fifteen** thousand dollars (~~\$5,000~~) (**\$15,000**) for
6 any year; and

7 (2) appeals of final determinations of assessed value made by the
8 state board of tax commissioners that do not exceed forty-five
9 thousand dollars (\$45,000).

10 (b) The tax court shall adopt rules and procedures under which
11 cases on the small claims docket are heard and decided.

12 SECTION 2. IC 33-4-3-7, AS AMENDED BY P.L.180-1999,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2002]: Sec. 7. The small claims docket has jurisdiction over
15 the following:

16 (1) Civil actions in which the amount sought or value of the
17 property sought to be recovered is not more than ~~three~~ **fifteen**

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thousand dollars ~~(\$3,000)~~. **(\$15,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~three fifteen~~ thousand dollars ~~(\$3,000)~~ **(\$15,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three fifteen~~ thousand dollars ~~(\$3,000)~~. **(\$15,000)**.

(3) Emergency possessory actions between a landlord and tenant under IC 32-7-9.

SECTION 3. IC 33-5-2-4, AS AMENDED BY P.L.180-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Except as provided in subsection (b), the small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~three fifteen~~ thousand dollars ~~(\$3,000)~~. **(\$15,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~three fifteen~~ thousand dollars ~~(\$3,000)~~ **(\$15,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three fifteen~~ thousand dollars ~~(\$3,000)~~. **(\$15,000)**.

(3) Emergency possessory actions between a landlord and tenant under IC 32-7-9.

(b) This subsection applies to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000). The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~six fifteen~~ thousand dollars ~~(\$6,000)~~. **(\$15,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~six fifteen~~ thousand dollars ~~(\$6,000)~~ **(\$15,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~six fifteen~~ thousand dollars ~~(\$6,000)~~. **(\$15,000)**.

(3) Emergency possessory actions between a landlord and tenant under IC 32-7-9.

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SECTION 4. IC 33-5-19.3-11, AS AMENDED BY P.L.180-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) The court has a standard small claims and misdemeanor division.

(b) Notwithstanding IC 33-5-2-4, the small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~six fifteen~~ thousand dollars ~~(\$6,000)~~ **(\$15,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~six fifteen~~ thousand dollars ~~(\$6,000)~~ **(\$15,000)** in order to bring the claim within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~six fifteen~~ thousand dollars ~~(\$6,000)~~ **(\$15,000)**.

(3) Emergency possessory actions between a landlord and tenant under IC 32-7-9.

SECTION 5. IC 33-10.5-7-1, AS AMENDED BY P.L.180-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Each judge of the county court shall maintain the following dockets:

(1) An offenses and violations docket.

(2) A small claims docket for the following:

(A) All cases where the amount sought or value of the property sought to be recovered is ~~three fifteen~~ thousand dollars ~~(\$3,000)~~ **(\$15,000)** or less. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of ~~his any~~ claim over ~~three fifteen~~ thousand dollars ~~(\$3,000)~~ **(\$15,000)** to bring it within the jurisdiction of the small claims docket.

(B) All possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three fifteen~~ thousand dollars ~~(\$3,000)~~ **(\$15,000)**.

(C) Emergency possessory actions between a landlord and tenant under IC 32-7-9.

(3) A plenary docket for all other civil cases.

SECTION 6. IC 33-11.6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The court ~~shall have~~ **has** original and concurrent jurisdiction with the circuit and superior courts in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed ~~six fifteen~~ thousand dollars ~~(\$6,000)~~;

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1 **(\$15,000)**, not including interest or attorney fees.

2 SECTION 7. IC 33-11.6-4-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The court ~~shall have~~
4 **has** original and concurrent jurisdiction with the circuit and superior
5 courts in possessory actions between landlord and tenant in which the
6 past due rent at the time of filing does not exceed ~~six fifteen~~ thousand
7 dollars ~~(\$6,000)~~. **(\$15,000)**. The court ~~shall also have~~ **has** original and
8 concurrent jurisdiction with the circuit and superior courts in actions
9 for the possession of property where the value of the property sought
10 to be recovered does not exceed ~~six fifteen~~ thousand dollars ~~(\$6,000)~~.
11 **(\$15,000)**. These jurisdictional limitations ~~shall may~~ not be affected by
12 interest and attorney fees.

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